



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 29259333

Date: FEB. 07, 2024

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a martial arts instructor, seeks classification as an individual of extraordinary ability. This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition. We dismissed the Petitioner's appeal. Later, the Petitioner filed seven motions, which we dismissed. The matter is now before us on an eighth motion, which is a motion to reconsider. In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. *See* section 291 of the Act, 8 U.S.C. § 1361. Upon review, we will dismiss the motion.

A motion to reconsider must establish that our prior decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). Our review on motion is limited to reviewing our latest decision. 8 C.F.R. § 103.5(a)(1)(ii). We may grant motions that satisfy these requirements and demonstrate eligibility for the requested benefit.

In our most recent decision, the dismissal of the Petitioner's seventh motion, we determined that the Petitioner did not show that we erroneously applied law or policy in deciding that he did not meet eligibility criteria concerning awards, membership, the performance of leading or critical roles, and contributions of major significance to the field in which he claims have extraordinary ability. Although the Petitioner generally asserted that we failed to consider his documentary evidence and erred in its review of evidence, he did not identify what evidence was not considered or specify how his motion was erroneously dismissed. For the sake of brevity, we incorporate our previous analysis of the record.¹

In the current motion, the Petitioner submits a brief that is almost identical to the brief submitted with his sixth motion. *See Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006) (finding that a motion to reconsider is not a process by which the party may submit, in essence, the same brief and seek reconsideration by generally alleging error in the prior decision). Disagreeing with our conclusions

¹ Our most previous decision in this matter was ID# 27202723 (AAO JUN. 5, 2023).

without showing how we erred as a matter of law or pointing to policy that contradicts our analysis of the evidence is not a ground to reconsider our decision. *Id.* Accordingly, the Petitioner did not demonstrate that his current motion meets the requirements for a motion to reconsider under 8 C.F.R. § 103.5(a)(3). Therefore, we will dismiss his motion to reconsider.

The Petitioner has not shown that we incorrectly applied law or policy in our previous decision based on the record before us.

ORDER: The motion to reconsider is dismissed.